

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VESTER L. PATTERSON,

Petitioner,

No. 2:12-cv-2342 GGH P

vs.

RALPH M. DIAZ,

Respondent.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis. This court will not rule on petitioner's request to proceed in forma pauperis.

Petitioner is incarcerated in California Substance Abuse Treatment Facility in Kings County and was convicted in Los Angeles County.¹ Petitioner's conviction in Los Angeles County is in an area embraced by the United States District Court for the Central District of California.

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¹The precise nature of the conviction is unclear. What is clear, however, is that the acts of which petitioner complains took place in Los Angeles County.

1 Pursuant to 28 U.S.C. § 2241(d), courts in both the district of conviction and the
2 district of confinement² have concurrent jurisdiction over applications for habeas corpus filed by
3 state prisoners. However, while both this Court and the United States District Court in the
4 district where petitioner was convicted have jurisdiction, see Braden v. 30th Judicial Circuit
5 Court, 410 U.S. 484 (1973), any and all witnesses and evidence necessary for the resolution of
6 petitioner's application are more readily available in Los Angeles County. Id. at 499 n.15; 28
7 U.S.C. § 2241(d).

8 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that:

9 1. This court has not ruled on petitioner's application to proceed in forma
10 pauperis; and

11 2. This matter is transferred to the United States District Court for the Central
12 District of California.

13 DATED: September 24, 2012

14 /s/ Gregory G. Hollows
15 UNITED STATES MAGISTRATE JUDGE

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25 ² Although if this application were to remain in this district, Kings County is part of the
26 Fresno Division of the United States District Court for the Eastern District of California and would
belong in that division. See Local Rule 120(d).